

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

Miyano Machinery USA Inc.,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Civil Action No. <b>08 C 526</b>
	)	
MiyanoHitec Machinery, Inc.,	)	Hon. Virginia Kendall
Thomas ("Tom") Miyano, a/k/a Toshiharu Miyano	)	
and Steven Miyano, a/k/a Shigemori Miyano,	)	Magistrate Judge Nolan
	)	
Defendants	)	
	)	<b>JURY TRIAL DEMANDED</b>
	)	
<hr style="width: 50%; margin-left: 0;"/>		
MiyanoHitec Machinery, Inc.,	)	
Thomas ("Tom") Miyano, a/k/a Toshiharu Miyano	)	
and Steven Miyano, a/k/a Shigemori Miyano,	)	
	)	
Counterclaim-Plaintiffs	)	
	)	
v.	)	
	)	
Miyano Machinery USA Inc.	)	
Counterclaim-Defendant, and	)	
	)	
Miyano Machinery Inc.,	)	
Third-Party Defendant	)	
	)	

**MOTION FOR LEAVE TO FILE INSTANTER  
A BRIEF IN EXCESS OF 15 PAGES**

Plaintiff, Miyano Machinery USA Inc. by and through its undersigned attorneys and pursuant to Local Rule 7.1 of the Local Rules for the U.S. District Court for the Northern District of Illinois, hereby moves this Court for leave to file its Reply to Defendants Memorandum in

Response (Document No. 124), which exceeds 15 pages. In support thereof, Plaintiff states as follows:

1. On February 7, 2008 this Court granted plaintiff Miyano USA's original Motion for Leave in connection with its Motion for Preliminary Injunction. This Court also allowed the Defendants to file a response up to 30 pages, stating that they may not "exceed the page limit, not to exceed 30 pages." (Minute Order; Document No. 22).
2. On June 6, 2006, Defendants filed a Motion to File Instantly a Brief in Excess of 30 Pages. Contemporaneous with that motion, Defendants filed its Memorandum in Response which totaled 43 written pages along with four declarations. The Declaration of Thomas Miyano, with exhibits, totals over 300 hundred pages (Doc. 115). Additionally, Defendants' Memorandum asserts multiple new legal and factual issues.
3. To thoroughly address the new legal and factual issues, which Defendants have attempted to raise in discovery and in their Memorandum in Response, so that the Court may make a fully informed ruling, Plaintiff requests permission to file instantly a brief in excess of 15 pages allowed under the local rules.
4. Contemporaneously with this Motion, Plaintiff is filing its Reply to Defendants' Memorandum in Response, which exceeds 15 pages.

**WHEREFORE**, Plaintiff respectfully requests that this Court granted leave for Plaintiff file its Reply to Defendants' Memorandum in excess of 15 pages and the accompanying exhibits and declarations referenced therein.

Dated: June 20, 2008

Respectfully submitted,

s/ Edward D. Manzo

Edward D. Manzo

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### CERTIFICATE OF SERVICE

The undersigned declares that he/she is over the age of 18 years, not a party to this action, and employed in the County of Cook, by Cook, Alex, McFarron, Manzo, Cummings & Mehler, Ltd., Attorneys at Law, 200 West Adams Street, Suite 2850, Chicago, Illinois 60606.

On the date listed below, I caused the filing of the foregoing **Motion for Leave to File INSTANTER a Brief in Excess of 15 Pages** with all its attachments and exhibits. I caused the service of these aforementioned documents on the following individuals, as addressed below, by the means indicated, and on the date listed below:

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\_\_\_\_\_ (BY ELECTRONIC MEANS) I caused this document to be electronically mailed (emailed) to the addressee(s) shown above.

  X   (BY ELECTRONIC MEANS) I cause each such document to be sent by electronic means through the Electronic Court Filing system to the addressee(s) shown above, pursuant to LR 5.9.

Executed on June 20, 2008 at Chicago, Illinois.

Signed:           s/Edward D. Manzo